P.F. 21 of 92.

G. R. S. IX-5]

Previous references.

1891-92.

192.

File No. 134-

Later references. (L.R.)

Serial Nos. 1 c

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 4

Major ~~Part~~ B for July 1892.

SUBJECT.

Appeal of Seethabayamma regarding the Patels and shanbhogi of certain villages Sorab Taluk.

WD 2233—G PB—20,000—14-6-20

1 12

L.C. 15-9

SM No 120 of 1891

Appt

Sitabai
represented
by L. Shivram & Co per
advocate

Dfts
Resps

Ganesram
by
M.J. Ramaswami
Iyer
advocate

Pl. claim is for the office of advocate
Patwari & shanbhogi of certain villages
in Pl Taluq of Sorab.—

Ganesram Resps was appointed in
~~1878~~ Patwari & shanbhog ~~accdg~~ in 1873
at the request of Sakaram, the uncle
of the last male holder in the family.
Appt ~~claim~~ brought suit in 1888 to set
Appt attached the property in 1891.—
Pl Dft contended the suit on the
ground that the suit was barred by
the law of limitation.

Appt's chief contention is that
under an agreement ~~executed~~ entered
entered into in 1870 between the appellant
& Sakaram, Pl Sakaram agreed to make

over the office of J
Patrick in the adoptal
son of ~~the~~ the appl
if the shares adopt
one of the ~~the~~ under
the document, the
claim is not barred.
It Gen Decree that
the document not
being registered cannot
be admitted in evidence
& even if it ain't be
the cause of action
under that document
has not yet arisen as
the appl has not yet
adopted a son
under these circumstances
~~that~~ dismissal of
the suit in the present
case is correct, & is
confirmed

27/4/92

appl is appointed
the her appeal
has been dismissed

(1)

21/10/91

1592 R
21-10-91

In Rupees Stamp affixed

Appeal No: 120 of

In the Court of the Deputy

Commissioner

Highness the Maharaja of

Mysore.

Revenue Appeal No — of 1891

Subbamma
residing at Java-
thi Shivad
Gilla, —

Plaintiff
and
Appellant

Vs

Venkoba Rao, adopted
son of Subbamma Rao
residing at Chandragutti
Sorab Taluq —

Defendants
and
Respondent

The plaintiff above named begs to prefer
this appeal to the Government of Mysore —
against the decree of the Deputy Commissioner
of Shimoga dismissing the Plaintiff's —
suit for the offices of the Shanbogue of
Nyaravi and Thellagandli villages and
the Potel of Chandragutti village in
the Sorab Taluq on the following
grounds, viz —

I.

I. The Deputy Commissioner erred in not framing a direct issue as to the age of the plaintiff and the date on which Kuchanna died and the effect of the Patel went out of the family and the adoption of the defendant by Sakana.

II. The Indian Limitation Act does not apply to this case.

III. Even if the suit is governed by the Indian Limitation Act, the suit is in time as it is brought within 3 years from the time when the fraud of the defendant was discovered; or 12 years from 1881 as on the office is said to be finally vested in

IV. Plaintiff is not bound by any arrangement entered into by others during her minority.

V. The plaintiff is entitled to both the offices claimed by her as the last and only surviving member of the family.

VI. The findings of the Deputy Commissioner are against the weight of evidence and probabilities of the case so far as they are against the plaintiff.

The plaintiff prays that the order of the Deputy Commissioner may be set aside and her claim decreed.

Ans.

An Authenticated Copy of the Judgment and decree appealed against are herewith filed, & I file a power of attorney.

21/10/19
Bangalore

Krishnamurthy
Adv.
for Appellant

No. 32 K

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1592
dated 21st Oct. 91 received at the
Dewan's Office from Secretary to Govt
residing at Shivarattri
Dharwar District

is forwarded, together with its two
enclosures, to the Dy. Comm.r,
Shimoga District, for
submission of Report
and a fresh Petition.

By Order,

For Chief Secretary.

BANGALORE,
7/11/1891.

Drafted as per
Order.

Noted

(General Serial No. 30).

OFFICE OF THE COMMISSIONER & DEPUTY COMMISSIONER OF MYSORE
8532
DEC. 9
P. 20

1891

From

Dated

DISTRICT

To The Chief Secretary to the Government of Singapore

Dated 8th December 1891

Despatched

Received

Enclosures No. 1 with encls. and records sent separately

General No. 667
No. 629

His Official Secrets No 3rd dated 2nd October last forwarding a petition of Soma Seethaley annexed with its enclosures for the prosecution of the proceedings and a receipt therefor -

In forwarding the petition with its 2 enclosures received with the letter I have the honor to forward herewith the proceedings

Petition etc
11/12/91

Submitted to the Council.
15/2/92 CJC

Put in by Advocates for the petitioner
Requisitions
Records in original
papers.
RM
23/12

28th April 1892
M Mrk 8/1/92
Adjourned to 4th June 1892 as ordered by Council.
M 30/3/92. Mrk 30/3/92
CJC 11-12-91

&

in Revenue C.N. No. 4
of 1889-90 on the
file of the Deputy
Commissioner's Court
together with a Receipt
as called for in the
above.

Abdul Rahman
Deputy Commissioner

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No. with one file of V. papers

General No. 370
Pol. No. 21—1293

Confirming the dismissal, by the Dy. Comm^r. of the suit brought by Lilabai, Kandathe village, Chiknr Zillah, for the office of Patail Khandagi of certain villages in the Sorab Taluk.

References to be marked.

10

Before the Government of *His Highness* the Maharaja of Mysore.

5

Appeal No. 120 of 1894.

Appellant.	Vs.	Respondent.
Sitaki ranging in Succession, Represented by his Attorney, Advocate.		Ganesa Co.— vision at Chendra. Jatti Swami Tank Attorney S. Tamma Swamy manager, Advocate

Decision. 27.6.92.

The claim is for the office of Patel and Shanbogue of certain villages in the Taluk of Sorab.

Respt was appointed Patel and Shanbogue in 1873 at the request of Sakaram, the widow of the last male holder in the family. Appellant brought her suit in 1888/89, she thereupon attained her majority in 1881. The Cy: Comsr dismissed the suit on the ground that the suit was barred by the Law of limitation.

Appellant's Chief Contention:

that under an agreement entered into between the appellant and ~~Defendant~~ Nadeau the latter agreed to make over the office of Petit to be accepted on the appellant if he should accept one and that under that ~~agreement~~ document, the claim is not barred. The Court knows that this document not being registered cannot be admitted in evidence and even if it could be, the cause of action under that document has not yet arisen as the appellant has not yet adopted a son.

Under these circumstances, the dismissal of the suit is correct, and is confirmed.

By order

Chief Secty.

No 470
Pol. 21—1898

Copy forwarded to the Supt. Commr. Skeena District with the papers received with his No. 2/3/1891.

Chief Secty.

No. 120

Appellant
Sitabai residing in
Sowdatty, Ramandurg
Taluk

Endorsement.

Respondent
Ganesa Rao, residing at Chendragutti, Sorab Taluk.

Reply by M. S. Ramaswamaiengar, Advocate.

In reply to her Petition dated 2 October 1891 Appellant is informed that her appeal has been dismissed.

~~is informed that~~ The enclosures are returned.

Mysore Dewan's Office,
Petition Department,
189 .

By Order,
Secretary.

Mysore Government Central Press Bangalore,—28-9-91—1000.

Issued with enclosures
12/7/92